



PLANNING COMMISSION SYNOPSIS

Wednesday, May 25, 2005

6:00 p.m. Regular & General Plan Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, May 25, 2005***. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

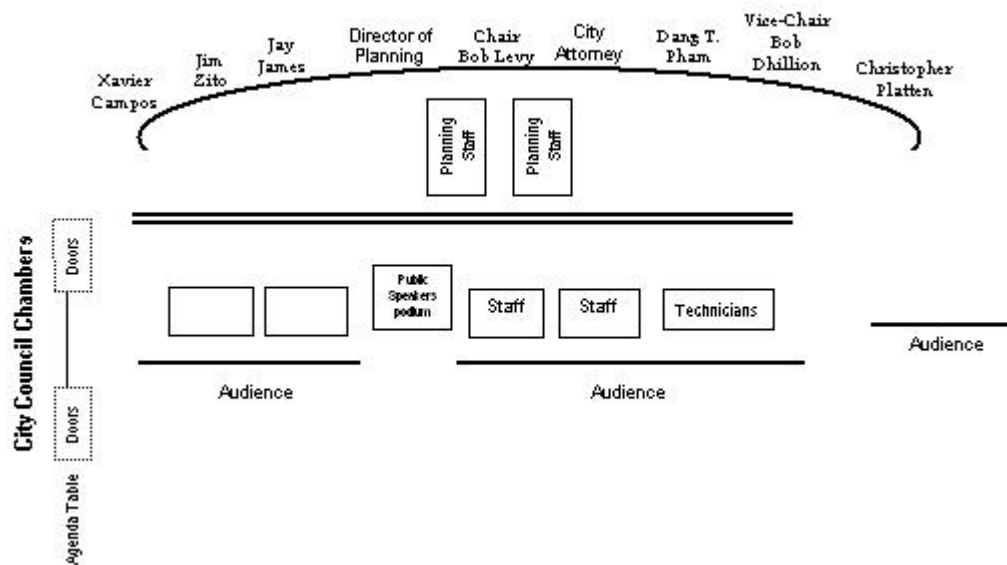
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT, PHAM ABSENT, AND PLATTEN ARRIVED AFTER DEFERRALS.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. [CP04-097](#). Conditional Use Permit request to allow a wireless communication antenna and emergency backup generator within a new free standing bell tower on a 2.35 gross acres site in the R-1-8 Single-Family Residence Zoning District, located on the southwest corner of Union Avenue and Willester Avenue (3151 UNION AV) (Presbytery of San Jose, Owner). Council District 9. SNI: None. CEQA: Exempt.

DEFERRED TO 6-6-05 (5-0-2; PHAM AND PLATTEN ABSENT)

- b. [An Ordinance amending Chapters 20.30, 20.100, and 20.200 of Title 20](#) of the San Jose Municipal Code to allow increased height limits for amateur radio antennas. CEQA: Exempt, PP05-084.

DROPPED (5-0-2; PHAM AND PLATTEN ABSENT)

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [CP05-013](#). Conditional Use Permit for modification of an existing gas station (no 24-hour uses), on a 0.5 gross acre site in the CP Pedestrian Commercial Zoning District, located at/on southeast corner of Hedding Street and N. Bascom Avenue (910 N. BASCOM AVE) (Amidy Ali and Nahavandi Guiti, Owners). Council District 6. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PHAM ABSENT)

PULLED FROM CONSENT BY MEMBER OF PUBLIC. PREVIOUS OWNER OF SERVICE STATION COMMENTED STATION WAS PREVIOUSLY CLOSED AT 10 P.M. WEEKDAYS, 9 P.M. ON WEEKENDS IN RESPONSE TO NEIGHBORS, AND THAT RESIDENTS WERE CONCERNED ABOUT LIGHT GLOW FROM THE SITE. THE APPLICANT INDICATED SIGNIFICANT UPGRADE PROPOSED FOR SITE AND THAT LIGHTING WAS CONDITIONED IN PERMIT TO BE FULLY SHIELDED AND CONFORM TO POLICY, AND THAT ADDITIONAL LANDSCAPING ALONG THE RESIDENTIAL PROPERTY LINE WOULD PROVIDE ADDITIONAL SCREENING. COMMISSIONER ZITO ASKED WHETHER CUT OFF LIGHTING WOULD BE REQUIRED FOR BOTH SECURITY LIGHTING AND THE CANOPY, AND ASKED FOR CLARIFICATION REGARDING NEW LANDSCAPE AREAS TO BE ADDED. STAFF CONCURRED THAT ALL LIGHTING WAS CONDITIONED TO BE FULLY SHIELDED AND THAT LANDSCAPING ALONG FRONT OF SITE WOULD BE WIDENED FROM 5 TO 10 FEET, WITH A CONTINUOUS 5-FOOT LANDSCAPE STRIP WITH TREES ADJACENT TO RESIDENCES. COMMISSIONER ZITO RECOMMENDED THAT THE APPLICANT CONTINUE TO WORK WITH STAFF AND NEIGHBORHOOD IN FUTURE AND BE SENSITIVE TO IMPACTS OF OPERATING IN THE EVENING HOURS, TO WHICH COMMISSIONER LEVY CONCURRED.

The following items are considered individually.

4. [PUBLIC HEARINGS](#)

- a. [An Ordinance amending Chapters 20.20, 20.30, 20.40, 20.50, 20.80, 20.100, and 20.200 of Title 20](#) of the San Jose Municipal Code to streamline the review process for wireless communication antennas. CEQA: Exempt, PP05-085.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

COMMISSIONER LEVY THANKED STAFF FOR BRINGING FORWARD REVISIONS TO WIRELESS REGULATIONS.

- b. [An Ordinance amending section 20.100.1470 of Chapter 20.100 of Title 20](#) of the San Jose Municipal Code to allow sidewalk café permits to be issued to businesses that serve alcohol and have an entertainment permit. CEQA: Exempt, PP05-099.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

RECOMMEND STAFF RECOMMENDATION AND THAT THE CITY COUNCIL WORK WITH POLICE DEPARTMENT ON APPROPRIATE "SUNSET" DATE. STAFF

CLARIFIED THAT ORDINANCE WOULD “SUNSET” AFTER ONE YEAR, AND APPROVED PERMITS NOT BE GRANDFATHERED IF NEW ORDINANCE IS REVISED. COUNSEL CLARIFIED THAT IF COUNCIL APPROVES THE “ONE-YEAR” ORDINANCE, THE END DATE WILL BE KNOWN AND ALL PERMITS ISSUED WILL EXPIRE ON THAT SAME DATE, AND COULD BE SHORTER IN DURATION THAN ONE YEAR. STAFF INDICATED THAT CURRENT HEIGHTENED INTEREST IN SIDEWALK CAFÉ PERMITS WITH ENTERTAINMENT DUE PARTLY TO UPCOMING GRAND PRIX. COMMISSIONER PLATTEN INQUIRED OF POLICE DEPARTMENT IF SATISFIED WITH ORDINANCE. COMMISSIONER LEVY INQUIRED WHY END DATE OF TIME FRAME IS JULY 2006, AND NOT OCTOBER 2006. COMMISSIONER PLATTEN MOVED TO RECOMMEND THAT COUNCIL SET APPROPRIATE TIME FRAME FOR ORDINANCE AFTER CONSULTATION WITH POLICE CHIEF. COMMISSIONER ZITO CONCURRED THAT TIME FRAME COULD BE LONGER AND THAT COUNCIL SHOULD LOOK AT SUNSET DATE IN OCTOBER, RATHER THAN MID-SUMMER, HOWEVER COMMISSIONER PLATTEN DID NOT AMEND HIS MOTION.

- c. [An Ordinance amending Chapters 20.40 of Title 20](#) of the San Jose Municipal Code to streamline development standards in commercial districts and to remove the CP Commercial Pedestrian Zoning District use size restriction for the West San Carlos Street Neighborhood Business District. CEQA: Exempt, PP05-100.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

COMMISSIONER ZITO INQUIRED WHETHER WEST SAN CARLOS WOULD BE ONLY NBD WITH NEW ALLOWANCE FOR USES IN CP COMMERCIAL. STAFF RESPONDED THAT STORY ROAD WAS SIMILAR SCALE NBD, BUT IS MOSTLY ZONED CN NEIGHBORHOOD COMMERCIAL.

- d. [H00-039](#). APPEAL of the Planning Director’s decision to deny a Site Development Permit for the construction of a 117,738 square foot self-storage facility on a 5.02 gross acre site in the IP Industrial Park Zoning District, located at the easterly side of Tully Road, approximately 850’ northerly of Quimby Road (Lion Square, Owner). Council District 8. SNI: None. CEQA: Capitol Storage Center EIR.

CONTINUE APPROXIMATELY 90 DAYS TO 9-14-05 (6-0-1; PHAM ABSENT)

CONTINUE TO ALLOW STAFF TO WORK WITH APPLICANT TO MODIFY PROJECT TO RESPOND TO ALUC CONCERNS INCLUDING LIGHTING, FENCING INSTEAD OF WALLS, LOW LANDSCAPING INSTEAD OF TREES, 2-STORY MAXIMUM HEIGHT, AND A POSSIBLE ENGINEERED FLAT ROOF.

APPLICANT COMMENTED THAT SELF-STORAGE IS SIMILAR IN CHARACTER TO “COVERED PARKING” DESCRIBED IN ALUC POLICY ABOUT PERMITTED USES IN AREA I. COMMISSIONER PLATTEN CONFIRMED WITH APPLICANT HIS KNOWLEDGE OF PAST SAN JOSE CITY COUNCIL OVERRIDES OF ALUC CONCERNS FOR PROJECTS SUCH AS EASTRIDGE MALL, AND ASKED WHAT THE APPLICANT’S RATIONALE WOULD BE FOR AN OVERRIDE. THE APPLICANT

EXPLAINED THAT THE STORAGE FACILITY WOULD BE LIKE COVERED PARKING AND WOULD AFFECT FEWER PEOPLE AND SHOULD BE NO GREATER RISK. COMMISSIONER JAMES ASKED FOR CLARIFICATION ON TIMELINE OF ALMOST 5 YEARS TO WHICH THE APPLICANT CLARIFIED 3 DIFFERENT SITE PLANS HAD BEEN DEVELOPED, SEVERAL HEARINGS WITH THE ALUC, AND THAT PROJECT WAS "ON HOLD" UNTIL EASTRIDGE REMODEL PROJECT WAS COMPLETE. COMMISSIONER JAMES ASKED IF OUTDOOR OPEN STORAGE HAD BEEN CONSIDERED AND APPLICANT COMMENTED OVER 300 SPACES FOR OUTDOOR SPACES PROVIDED, BUT ONLY COST EFFECTIVE WITH INDOOR STORAGE BUILDING.

CURRENT VICE CHAIR OF ALUC ASKED FOR DENIAL OF PROJECT AS IT DOES NOT COMPLY WITH FAA "NO OBJECT" RULES BECAUSE OF 8-FOOT CONCRETE WALL AND PARKING LOT TREES, AND THAT ACTUAL APPROACH ZONE BOUNDARY COULD LIMIT ABILITY TO BUILD 2-STORY BUILDING. IN RESPONSE TO COMMISSIONER ZITO, THE VICE CHAIR COMMENTED ON EASTRIDGE PROJECT AND NOTED THAT "COVERED PARKING SPACE" WOULD BE DEFINED AS MORE OF A "SUNSHADE" OR SMOOTH-SURFACED ENGINEERED STRUCTURE, BUT NOT A USUAL PARKING GARAGE. COMMISSIONER JAMES CLARIFIED WITH THE ALUC VICE CHAIR THAT FAA REGULATIONS WOULD PRE-EMPT ALUC POLICY. ANOTHER SPEAKER, A PILOT AND PRIOR MEMBER OF ALUC, EXPLAINED THAT THE SOLID WALLS SHOWN FOR THE PROJECT, OR SIDE WALLS OF THE PROPOSED BUILDING REAL ISSUE FOR A SMALL PLANE LOSING ALTITUDE. IN RESPONSE TO COMMISSIONER JAMES, SPEAKER NOTED LIGHT WEIGHT FENCING COULD BE ACCEPTABLE, AND IN RESPONSE TO COMMISSIONER ZITO, PROVIDED COMMENTS THAT SMOOTH-TOPPED COVERED PARKING COULD POSSIBLY SUPPORT AN APPROXIMATELY 5000 POUND PLANE. RON BLAKE, PRIOR ALUC CHAIR CLARIFIED FOR COMMISSIONERS ZITO AND PLATTEN THAT PARKING MIGHT BE ACCEPTABLE IN AREA I, THAT CONCERN WAS MORE ABOUT STRUCTURES, THAT FENCING NEEDED FOR SECURITY PURPOSES COULD BE ALLOWED, AND THAT EXISTING BANK IN VICINITY PREDATES ALUC.

THE DIRECTOR OF COUNTY AIRPORTS CLARIFIED THE DIFFERENCES IN ALUC AND FAA REQUIREMENTS, AND NOTED SAFETY AREA DESIGN FOR GENERAL AVIATION AIRPORTS BASED ON YEARS OF ACCIDENT DATA NATIONWIDE, AND IN RESPONSE TO COMMISSIONER LEVY, EXPRESSED THAT AREA I NEEDS TO BE OPEN, WITH NO STRUCTURES. THE APPLICANT COMMENTED THAT PROPOSED BUILDING IS OUTSIDE FAA AREAS, AND ONLY BOUND BY ALUC RULES FOR AREA I. THAT PROJECT COULD BE REVISED TO DELETE TREES AND REPLACE WALL WITH FENCING, THAT AVIGATION EASEMENT DEED RESTRICTION ON PROPERTY REFERENCES A 24-FOOT HEIGHT LIMIT AND THAT ALUC HAD HAD 30 YEARS TO REVISE POLICY. THE APPLICANT INDICATED A PROJECT REDESIGN COULD BE BROUGHT BACK TO THE COMMISSION FOR REVIEW AFTER CONSIDERATION OF AN OVERRIDE OF AN ALUC DECISION TO DENY BY CITY COUNCIL.

THE CITY ATTORNEY CLARIFIED THAT SINCE THE FINAL ACTION ON THE APPEAL OF A SITE DEVELOPMENT PERMIT IS BY THE PLANNING COMMISSION,

THE COMMISSION WOULD REVIEW ALUC COMMENTS AND SET FORTH REASONS TO OVERRIDE IF PROJECT APPROVED. DEPUTY DIRECTOR HORWEDEL NOTED THAT COMMISSION COULD DECIDE TO CONTINUE ITEM TO ALLOW REDESIGN, MORE FEES FOR STAFF TIME WOULD BE REQUIRED.

COMMISSIONER JAMES EXPRESSED INTEREST IN A CONTINUANCE TO BRING PROJECT BACK. STAFF REQUESTED SPECIFIC DIRECTION REGARDING REDESIGN, AND NOTED OTHER SMALLER STRUCTURES OR USES COULD BE MORE APPROPRIATE. COMMISSIONERS LEVY AND ZITO REQUESTED STAFF TO IDENTIFY ALTERNATIVE USES OF THE LAND, SUMMARIZE PRIOR CITY COUNCIL OVERRIDES OF ALUC DETERMINATIONS, AND CLARIFY FAA REGULATIONS REGARDING WALLS AND OUTDOOR PARKING AREAS. COMMISSIONER PLATTEN ASKED FOR CLARIFICATION ON THE PROCESS FOR THE COMMISSION TO OVERRIDE ALUC DECISIONS FOR A PROJECT APPROVAL. COMMISSIONER JAMES MOVED TO CONTINUE ITEM TO BRING PROJECT BACK WITH STAFF TO WORK WITH APPLICANT TO REVISE LANDSCAPING, WALLS, AND CONSIDER ENGINEERED FLAT ROOF OPTIONS, AND LIMITING BUILDING HEIGHT TO TWO STORIES. STAFF SUGGESTED 90 DAYS AS APPROPRIATE TIMEFRAME.

- e. [PDC00-030](#). Planned Development Rezoning from A(PD) Planned Development to A(PD) Planned Development to allow night club uses at an existing assembly hall (G. I. Forum) on a 3.4 gross acre site, located 900 feet northerly of Story Road and approximately 2,300 feet westerly of McLaughlin Avenue (765 Story Road) (The American G.I. Forum, Owner). Council District 7. SNI: None. CEQA: Incomplete.

RECOMMEND DENIAL (5-1-1; JAMES OPPOSED AND PHAM ABSENT)

COUNSEL CLARIFIED THAT THE COMMISSION COULD ONLY DENY THE APPLICATION OR ASK STAFF TO RETURN WITH ENVIRONMENTAL REVIEW. COMMISSIONER JAMES ASKED FOR CLARIFICATION WHETHER THE REZONING COULD BE FOUND TO BE EXEMPT TO WHICH COUNSEL RESPONDED NO, SINCE A REZONING IS A PROJECT UNDER CEQA.

- f. [PDC04-063](#). Planned Development Rezoning from LI Light Industrial zoning district to A(PD) Planned Development zoning district to allow up to 119 single-family attached residential units (18 townhomes and 101 podium apartments) on a 3.1 gross acre site, located at/on the Southeast corner of East Mission Street and North 10th Street (Westmount Square Llc, Owner). Council District 3. SNI: 13th Street. CEQA: Mitigated Negative Declaration.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

IN RESPONSE TO TESTIMONY IDENTIFYING CONCERNS REGARDING INFORMATION ABOUT AREA INTERSECTION LEVELS OF SERVICE IF THE PROPOSED TRANSPORTATION IMPACT POLICY UPDATE WOULD BE APPROVED, THE APPLICANT NOTED PROJECT-SPECIFIC TRAFFIC REPORT SHOWED NO SIGNIFICANT IMPACT, AND STAFF CLARIFIED POLICY UPDATE WOULD BE CONSIDERED BY THE PLANNING COMMISSION ON JUNE 2, 2005. THE APPLICANT FURTHER NOTED THAT EXISTING

USES ON THE SITE HAD SIGNIFICANT TRUCK TRAFFIC WHICH WILL BE ELIMINATED IF PROJECT APPROVED. COMMISSIONER ZITO ASKED FOR CLARIFICATION REGARDING STAFF REPORT COMMENT ABOUT INSUFFICIENT TREE INFORMATION. STAFF COMMENTED STANDARD TREE REPLACEMENT RATIO WOULD PROVIDE MITIGATION FOR TREE REMOVAL FOR ANTICIPATED PROJECT, AND COUNSEL CLARIFIED THAT CHANGES TO PROJECT AFFECTING ON-SITE TREES BEYOND THOSE ANTICIPATED WOULD NEED ADDITIONAL REVIEW. COMMISSIONER ZITO ASKED FOR CLARIFICATION REGARDING PAC SJ COMMENTS REGARDING CONVEYER CROSSING 10TH STREET. THE APPLICANT AND STAFF CLARIFIED CONVEYER WAS NOT DETERMINED TO BE HISTORIC. COMMISSIONER JAMES EXPRESSED CONCERN THAT THE STAFF REPORT WAS UNCLEAR ON TREE REMOVAL EXPECTED AS PART OF PROJECT. PLANNING STAFF INDICATED THAT THE REZONING DOES NOT APPROVE REMOVAL OF ANY TREES AND THAT ISSUE WILL BE ADDRESSED AT PD PERMIT STAGE. COMMISSIONER ZITO INQUIRED AND STAFF CLARIFIED THAT POLICE CONCERNS ABOUT LIGHTING AND FENCING WOULD BE ADDRESSED AT PERMIT STAGE.

5. OPEN PLANNING COMMISSION WINTER HEARING ON GENERAL PLAN AMENDMENTS FROM MARCH 9, 2005

6. GENERAL PLAN CONSENT CALENDAR

- a. **GP04-07-03**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Combined Industrial/Commercial for the property located on the east side of Senter Road (2266 and 2276 Senter Road and 639 Quinn Avenue), approximately 200 feet northwesterly of Quinn Avenue on a 3.86-acre site. (Victor J. LoBue, The LoBue Living Trust, Owner/Aaron Barger, Green Valley Corporation dba Barry Swensen Builder, Applicant). Council District: 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration adopted on May 11, 2005. Deferred from May 11, 2005.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

- b. The items being considered are located at the east side of South White Road (3160 South White Road), approximately 920 feet northerly of Aborn Road on a 0.66-acre site. (Bracamantes 2001 Trust, Owner/ Rigo Bracamantes, Applicant). Council District: 8. SNI: None. CEQA: Mitigated Negative Declaration Pending. Deferred from May 11, 2005.
1. **GP04-08-01**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Office.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

2. [C05-010](#): CONFORMING REZONING request to change from R-1-5 (PD) Zoning District to CO-Commercial Office Zoning District to allow office uses on a 0.66 gross acre site.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. The items being considered are located on the southwest corner of Hellyer Avenue and Embedded Way, formerly Branham Lane East, (800 Embedded Way) on an approximately 16.4-acre site. (Carl Berg, Owner and Applicant). Council District: 2. SNI: None. CEQA: Mitigated Negative Declaration.
1. [GP04-02-03](#): GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay.

RECOMMEND APPROVAL (5-1-1; CAMPOS OPPOSED AND PHAM ABSENT)

COMMISSIONER JAMES ASKED APPLICANT'S ENVIRONMENTAL CONSULTANT IF HE THOUGHT THE PROPOSAL WOULD HELP ALLEVIATE THE CURRENT VANDALISM AND TRESPASSING ON THE SITE THAT WAS DISCUSSED IN THE STAFF REPORT. APPLICANT'S CONSULTANT STATED THAT SUCH PROBLEMS WOULD DEFINITELY BE ALLEVIATED IF THE BUILDING WERE OCCUPIED WITH THE PROPOSED USE. COMMISSIONER JAMES ASKED STAFF TO CLARIFY THE PROPOSED HOURS OF OPERATION. STAFF STATED THAT PERMITTED HOURS WERE PROPOSED TO BE 6:00 A.M. TO 12:00 MIDNIGHT.

SEVERAL COMMISSIONERS EXPRESSED CONCERNS ABOUT ALCOHOL BEING SERVED ON THE SUBJECT SITE. MR. CRAWFORD, REPRESENTING THE APPLICANT, STATED THAT A SPORTS BAR PROPOSED AS AN ANCILLARY COMMERCIAL USE WOULD SERVE FOOD, AS WELL AS BEER AND WINE.

CHAIR LEVY STATED CONCERNS REGARDING SAFETY AND NOISE WITH ALCOHOL BEING SERVED ON THE SITE. STAFF NOTED THAT THE PROPOSED GENERAL DEVELOPMENT STANDARDS WOULD NOT ALLOW FOR OFF-SALE OF ALCOHOL, AND THAT ON-SALE OF ALCOHOL COULD BE REGULATED THROUGH APPROVAL OF A PLANNED DEVELOPMENT PERMIT.

CHAIR LEVY ASKED PLANNING STAFF IF THE LOCATION OF THE CREEK WITH TREES IN BETWEEN THE RESIDENTIAL AREA AND THE SUBJECT SITE WOULD MITIGATE NOISE IMPACTS TO THE RESIDENCES LOCATED ON THE OPPOSITE, WESTERLY SIDE OF THE CREEK. STAFF CONFIRMED THAT THE CREEK AND TREES WOULD ACT AS A BUFFER.

CHAIR LEVY ASKED STAFF TO CLARIFY HOURS. STAFF PROPOSED CLARIFYING THE POTENTIAL HOURS OF OPERATION THROUGH A MINOR REVISION TO THE DRAFT GENERAL DEVELOPMENT STANDARDS SO THAT THE HOURS OF OPERATION BETWEEN 12:00 MIDNIGHT AND 6:00 AM COULD BE CONSIDERED A CONDITIONAL USE THAT WOULD REQUIRE APPROVAL OF A PLANNED DEVELOPMENT PERMIT SPECIFICALLY ALLOWING 24-HOUR USES. THIS REVISION IS INDICATED ON THE REVISED PAGE ONE OF THE DRAFT GENERAL DEVELOPMENT STANDARDS (SEE ATTACHMENT).

COMMISSIONER JAMES MADE A MOTION TO CONSIDER THE MITIGATED NEGATIVE DECLARATION AND FIND IT COMPLIANCE WITH CEQA, RECOMMEND APPROVAL OF THE GENERAL PLAN AMENDMENT, AND RECOMMEND APPROVAL OF THE PLANNED DEVELOPMENT ZONING.

COMMISSIONER ZITO STATED THAT HE SUPPORTED THE MOTION BUT THAT HE WANTED ALCOHOL EXPRESSLY INCIDENTAL TO FOOD USE. STAFF COULD INCLUDE SUCH A CONDITION IN THE PLANNED DEVELOPMENT PERMIT.

COMMISSIONER CAMPOS STATED THAT HE DID NOT SUPPORT THE PROPOSED GENERAL PLAN AMENDMENT. CURRENTLY, THE GENERAL PLAN FOR THE AREA IS ALL INDUSTRIAL PARK LAND USES. MOVING IN A DIRECTION TO ALLOW NON-INDUSTRIAL USES IN AN EXCLUSIVELY INDUSTRIAL AREA WOULD BE A MISTAKE. COMMISSIONER CAMPOS ALSO RECALLED AN EARLIER PROJECT ON PIERCY ROAD WHERE A NON-INDUSTRIAL USE WAS ALLOWED IN AN INDUSTRIAL AREA, WHICH COMPROMISED THE REMAINING INDUSTRIAL AREA.

COMMISSIONER JAMES RESPONDED THAT HE AGREED SOMEWHAT. HOWEVER, IN THIS PARTICULAR SITUATION, HE DID NOT SEE APPROVAL OF A MIXED INDUSTRIAL OVERLAY ON THE SUBJECT SITE AS GIVING UP ON THE PRIMARY USE OF THE PROPERTY AS AN INDUSTRIAL USE. IN THE FUTURE, AN OPPORTUNITY COULD ARISE FOR INDUSTRIAL USES ON THE SITE, AND, WITH THE UNDERLYING DESIGNATION OF INDUSTRIAL PARK, THE SITE COULD EASILY BE RECONVERTED TO ACCOMMODATE INDUSTRIAL USES. THIS WAS THE BENEFIT OF THE CURRENT PROPOSAL FOR A MIXED INDUSTRIAL OVERLAY.

2. [PDC05-004](#): PLANNED DEVELOPMENT REZONING request to change from IP District to IP Planned Development (PD) Zoning District to allow indoor recreational uses in an existing 246,302 square-foot industrial building and the addition of approximately 9,000 square feet to the second floor and parking on a 16.4 gross-acre site.

RECOMMEND APPROVAL (5-1-1; CAMPOS OPPOSED AND PHAM ABSENT)

THIS ITEM WAS DISCUSSED CONCURRENTLY WITH GP04-02-03 ABOVE.

- b. **GP04-04-04**: GENERAL PLAN AMENDMENT a request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to High Density Residential (25-50 DU/AC) for property located on the southwest corner of North Capitol Avenue and Autumnvale Drive (1971 North Capitol Avenue and 2450 Autumnvale Drive) on a 4.01-acre site. (Autumnvale Associates, Inc., Owner/CW Land Consultants, Applicant). Council District: 4. SNI: None. CEQA: Mitigated Negative Declaration.

RECOMMEND APPROVAL (5-1-1; ZITO OPPOSED AND PHAM ABSENT)

MR. STEVE SCHOTT, JR., REPRESENTING CITATION HOMES, DEVELOPER FOR THE ASSOCIATED PLANNED DEVELOPMENT REZONING APPLICATION (FILE NO. PDC04-109) STATED THAT THE PROPOSAL IS A GOOD EXAMPLE OF SMART GROWTH, DUE THE SITE'S PROXIMITY TO A LIGHT RAIL STATION AND PLANNED FUTURE MILPITAS BART STATION. HE ALSO STATED THAT THE SITE IS AN ISLAND OF INDUSTRIAL SPACE THAT SHOULD BE CONVERTED TO RESIDENTIAL USES, GIVEN THE EXISTING RESIDENTIAL USES BORDERING THREE SIDES OF THE SUBJECT SITE. MR. SCHOTT ACKNOWLEDGED STAFF'S REQUEST FOR A RESIDENTIAL DENSITY OF 45 DU/AC BUT STATED IT IS TOO HIGH A DENSITY GIVEN THE ADJACENT TWO-STORY HOUSING DEVELOPMENT LOCATED SOUTHEASTERLY OF THE SUBJECT SITE. MR. SCHOTT ADDED THAT QUICKSIL, THE COMPANY LOCATED ON THE OTHER HALF OF THE SITE, HAS BEEN RELOCATED TO ANOTHER BUILDING WITHIN THE CITY.

MR. JOHN SUMMERS, PRESIDENT OF THE AUTUMNVALE BUSINESS PARK, NOTED THAT HIS BUSINESS PARK HAS 27 SMALL BUSINESSES LOCATED DIRECTLY ACROSS AUTUMNVALE DRIVE. HE STATED HIS CONCERNS THAT TENANTS OF A FUTURE DEVELOPMENT ON THE SUBJECT SITE WOULD USE THE BUSINESS PARK TO MEET THEIR PARKING NEEDS. MR. SUMMERS FURTHER STATED THAT SOME BUSINESSES THAT RECENTLY MOVED INTO THE AUTUMNVALE BUSINESS PARK WOULD NOT HAVE LOCATED IN THE BUSINESS PARK IF THEY HAD KNOWN THE SUBJECT SITE WOULD BE CONVERTED TO RESIDENTIAL USES.

AT THE PLANNING COMMISSION'S REQUEST, MR. SCHOTT RESPONDED TO MR. SUMMER'S COMMENTS AND STATED THAT PARKING WOULD BE ADDRESSED DURING THE PLANNED DEVELOPMENT REZONING PROCESS.

COMMISSIONER JAMES ASKED MR. SUMMERS IF HE BELIEVED ONE OF THE SMALL BUSINESSES IN HIS COMPLEX WOULD CONSIDER RELOCATING TO ONE OF THE EXISTING BUILDINGS ON THE SUBJECT SITE GIVEN ITS EXISTING ADJACENCY TO A HOUSING DEVELOPMENT. MR. SUMMERS REPLIED THAT IF A BUSINESS WERE TO GROW, AND NEEDED THE ADDITIONAL SPACE, THAT THE BUSINESS WOULD CONSIDER RELOCATING TO THE SUBJECT SITE, AND THAT THE ADJACENCY WOULD NOT BE A CONCERN. STAFF ALSO ADDED THAT THE INDUSTRIAL USE ON THE SUBJECT SITE WAS PRE-EXISTING TO THE ADJACENT RESIDENTIAL USE, AND THAT SUBSTANTIAL LANDSCAPING ON THE SUBJECT SITE, INCLUDING TREES THAT PROVIDE A BUFFER TO THE ADJACENT SITE,

PROVIDED A MORE COMPATIBLE TRANSITION BETWEEN INDUSTRIAL PARK AND RESIDENTIAL USES THAN THE MIX OF RESIDENTIAL AND INDUSTRIAL TRAFFIC THAT WOULD BE CREATED ON AUTUMNVALE DRIVE.

CHAIR LEVY STATED THAT BOTH HOUSING AND JOBS ARE NEEDED NEAR TRANSIT, BUT BECAUSE THIS SITE HAS RESIDENTIAL USES ON THREE OF ITS FOUR SIDES, HE WOULD SUPPORT THE CONVERSION FROM INDUSTRIAL TO RESIDENTIAL USES. HE STATED THAT AUTUMNVALE DRIVE MADE A MORE COMPATIBLE BORDER BETWEEN INCOMPATIBLE USES. COMMISSIONER CAMPOS AGREED. COMMISSIONER ZITO STATED HIS CONCERN THAT CONVERSION OF THIS SITE COULD START A DOMINO EFFECT THAT WOULD LEAD TO ALL THE REMAINING INDUSTRIAL AREA BETWEEN THE SUBJECT SITE AND THE PLANNED FUTURE MILPITAS BART STATION ALONG NORTH CAPITOL AVENUE CONVERTING TO OTHER USES AS WELL. FOR THIS REASON, COMMISSIONER ZITO STATED THAT HE SUPPORTED STAFF'S RECOMMENDATION OF NO CHANGE TO THE GENERAL PLAN.

- c. The items being considered are located at the northwest corner of the intersection of Story Road and McLaughlin Avenue (1145 Story Road) on a 0.88-acre site. (Kim Nguyen, Owner/Miro Design Group, Applicant). Council District: 7. SNI: None. CEQA: Mitigated Negative Declaration Pending. Deferred from May 11, 2005.
1. [GP04-07-02 and C05-007](#): PROTEST OF A MITIGATED NEGATIVE DECLARATION for a General Plan amendment to change the Land Use/Transportation Diagram designations from Industrial Park with Mixed Industrial Overlay to General Commercial, and Conforming Rezoning from Industrial to CN Commercial Neighborhood on a 0.88-acre site to allow commercial uses on the site.

UPHOLD NEGATIVE DECLARATION (6-0-1; PHAM ABSENT)

CHAIR LEVY ASKED IF THE APPELLANT/PROTESTANT WERE PRESENT. NO ONE APPEARED TO REPRESENT THE APPELLANT/PROTESTANT. THE COMMISSION CLOSED THE PUBLIC HEARING AND COMMISSIONER JAMES MADE A MOTION TO RECOMMEND UPHOLDING THE NEGATIVE DECLARATION AND FIND IT IN COMPLIANCE WITH CEQA. THE MOTION WAS SECONDED AND THE COMMISSION VOTED TO UPHOLD THE NEGATIVE DECLARATION AND FIND IT IN COMPLIANCE WITH CEQA.

2. [GP04-07-02](#): GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to General Commercial.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

THE APPLICANT, ANTHONY HO, ADDRESSED THE COMMISSION AND MADE HIMSELF AVAILABLE TO RESPOND TO AND CLARIFY QUESTIONS REGARDING THE PROJECT. COMMISSIONER ZITO REQUESTED CLARIFICATION FROM PLANNING STAFF THAT THE PROJECT SITE ONLY INCLUDES THE PROPERTY LOCATED AT THE NORTHWESTERLY CORNER OF STORY ROAD AND

MCLAUGHLIN AVENUE AND THAT THE NORTHEASTERLY CORNER WAS NOT PART OF THE SUBJECT SITE. STAFF CONFIRMED THAT WAS THE CASE. COMMISSIONER ZITO THEN MADE A MOTION TO RECOMMEND APPROVAL OF THE GENERAL PLAN AMENDMENT REQUEST AND CONFORMING REZONING APPLICATION, AND THE PLANNING COMMISSION VOTED 6-0-1 (COMMISSIONER PHAM ABSENT) TO RECOMMEND APPROVAL OF BOTH ITEMS.

STAFF ADDED THAT THE SITE IS LOCATED IN THE STORY ROAD EMPLOYMENT SUBAREA AND OLINDER REDEVELOPMENT AREA, AND IT WAS EVALUATED USING THE FRAMEWORK, AS A GUIDELINE, TO EVALUATE PROPOSED CONVERSIONS OF EMPLOYMENT LANDS TO OTHER USES. STAFF INDICATED THAT THE SUBJECT SITE IS LOCATED WITHIN THE CATEGORY OF SUBAREAS TO PROMOTE FOR CONVERSION TO HOUSING, RETAIL, MIXED USE, OR OTHER HOUSEHOLD-SERVING INDUSTRIES.

3. **C05-007**: CONVENTIONAL REZONING from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District to allow commercial uses on a 0.88 gross acre site

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

THIS ITEM WAS DISCUSSED CONCURRENTLY WITH GP04-07-02 ABOVE.

8. CONTINUE PLANNING COMMISSION HEARING ON THE 2005 SPRING GENERAL PLAN AMENDMENTS FROM MAY 25, 2005 TO JUNE 2, 2005

APPROVED (6-0-1; PHAM ABSENT)

9. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

BRIAN SCHMIDT OF THE COMMITTEE FOR GREEN FOOTHILLS REQUESTED TWO ITEMS BE AGENDIZED FOR FUTURE PLANNING COMMISSION STUDY SESSIONS: 1) REPORT FROM COMMITTEE FOR GREEN FOOTHILLS THAT DISCUSSES CEQA GUIDELINES CHANGES APPROVED LAST FALL THAT ADDRESS

*CUMULATIVE IMPACTS FROM IMPERVIOUS SURFACES; AND 2)
CONSIDERATION OF CHANGES TO THE CITY'S ENVIRONMENTAL REVIEW
PROCEDURES.*

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE

11. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).

COMMISSIONER JAMES STATED NEXT MEETING IS IN JUNE.

- Coyote Valley Specific Plan (Platten)

COMMISSIONER PLATTEN STATED THAT THERE WERE NO NEW ITEMS TO REPORT.

c. Review of synopsis

NO COMMENTS.

- d. Add a Study Session on Thursday, June 2, 2005 at 5:00 p.m., to discuss “Jobs/Housing/Transportation Policy Update” on meeting schedule.

12. ADJOURNMENT

2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Jobs/Housing Imbalance</i>	
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of General Plan Amendments/development projects</i>	
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, April 11	CANCELLED	<i>Study Session</i>	Room 400
		<i>Discussion of Alcohol sales</i>	
Monday, April 11	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
Monday, May 2	4:00 p.m.	<i>Study Session</i>	Room 216B
		<i>Review CIP</i>	
Monday, May 2	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	
May 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
May 25	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Thursday, June 2	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, June 6	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
June 8	CANCELLED	Regular Meeting	Council Chambers
Wednesday, June 15	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	6:00 p.m.	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers
August 10	6:00 p.m.	Regular Meeting	Council Chambers
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers